

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARRIE ROBERTS,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹

Defendant.

Case No. 1:20-cv-00239-SKO

**ORDER THAT PLAINTIFF FILE A
WRITTEN STATEMENT SHOWING
CAUSE WHY CASE SHOULD NOT BE
DISMISSED OR THAT PLAINTIFF
FILE THE MOTION FOR SUMMARY
JUDGMENT**

On February 15, 2020, Plaintiff, represented by counsel and proceeding *in forma pauperis*, filed the present action in this Court. (Doc. 1.) Plaintiff seeks review of the Commissioner's denial of her application for benefits. (*Id.*)

The Court entered a Scheduling Order on July 6, 2021. (Doc. 17.) Pursuant to the Scheduling Order, Plaintiff's motion for summary judgment was due **August 20, 2021**—45 days from entry of the Scheduling Order. (*See id.*)

On August 20, 2021, Plaintiff failed to file and serve her motion for summary judgment with the Court and on opposing counsel, and to date, no motion has been filed and served. (*See*

¹ On July 9, 2021, Kilolo Kijakazi was named Acting Commissioner of the Social Security Administration. *See* <https://www.ssa.gov/history/commissioners.html>. She is therefore substituted as the defendant in this action. *See* 42 U.S.C. § 405(g) (referring to the "Commissioner's Answer"); 20 C.F.R. § 422.210(d) ("the person holding the Office of the Commissioner shall, in [their] official capacity, be the proper defendant").

1 Docket.) Plaintiff is, therefore, ordered to show cause, if any, why the action should not be
2 dismissed for failure to comply with the Court's Scheduling Order and for want of prosecution.
3 (Doc. 17.) Alternatively, Plaintiff may file the motion for summary judgment.

4 Accordingly, it is HEREBY ORDERED that:

5 1. By no later than **September 13, 2021**, Plaintiff shall **either**:

- 6 a. file a written response to this Order showing cause why the Court should not
7 dismiss this action for failure to comply with the Court's order and for want
8 of prosecution; or
9 b. file the motion for summary judgment.

10 **Failure to respond to this Order to Show Cause will result in dismissal of this action.**

11 IT IS SO ORDERED.
12

13 Dated: **September 1, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE